

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006, OMB 0651-0032

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

790.00

Complete If Known

Application Number	09/864,373
Filing Date	25 May 2001
First Named Inventor	William F. Krise
Examiner Name	K. Padmanabhan
Art Unit	1641
Attorney Docket No.	84622

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order None Other (please identify): _____

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50
Each independent claim over 3 (including Reissues)	200
Multiple dependent claims	360
Total Claims	Extra Claims Fee (\$)
- 20 or HP =	x =
HP = highest number of total claims paid for, if greater than 20.	
Indep. Claims	Extra Claims Fee (\$)
- 3 or HP =	x =
HP = highest number of independent claims paid for, if greater than 3.	

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for Continued Examination

790.00

SUBMITTED BY	Signature	Registration No. (Attorney/Agent)	Telephone
Signature	Mark Homer	41848	401-832-6679
Name (Print/Type)	Mark Homer		Date 4/8/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Navy Case No. 84,622
Application No. 09/864,373IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Krise, et al.

Serial No. 09/864,373

Filed: May 25, 2001

For: MOLECULAR TAG READER

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APR 08 2005

Group Art Unit: 1641

Examiner: Kartic Padmanabhan

REQUEST TO WAIVE FEE FOR REVIVAL OF ABANDONED APPLICATION

Applicants herein request that the fee for the petition for revival attached hereto be waived, or in the alternative, be reduced to the fee associated with a petition for revival for unavoidable delay due to the following.

A Final Office Action regarding this application was mailed to applicants on August 6, 2004. Applicants' representative had an office interview with the examiner on October 6, 2004 and discussed the rejection in some detail. At the conclusion of the interview, applicants' representative told the examiner that a response to the Final Action would be filed on that day. Applicants' representative filed the response on October 6, 2004 at the Office of Initial Patent Examination window pursuant to direction by the examiner.

Section 714.13 of the MPEP states that in the event a response to a Final Office Action is filed within two months of the mailing date of the Action, the date any Advisory Action is sent regarding said response becomes the new reply expiration date. However, the new reply date cannot be more than six months from the mailing date of the Final Action. This section of the MPEP further indicates that any response filed after a

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Final Action should be immediately considered. Still further this section of the MPEP indicates that an examiner is expected to turn in a response to a response within 10 calendar days from the time the response is received by the examiner and this reply should be mailed within 30 days of the date of the applicant response is received by the Office. It is obvious that these timing requirements placed upon the examiner to provide an applicant an opportunity to respond to an Advisory Action prior to an application becoming abandoned.

In the present case, applicants filed a response within two months from the mailing date of the Final Action, the examiner was put on notice that the reply was being filed and put on notice of the general nature of the substance of said response. However, the Advisory Action was not mailed until March 15, 2005. Upon receipt of the Advisory Action, applicants' representative telephoned the examiner's supervisor to discuss this matter and left a message describing the situation and requesting a return call to discuss the matter. This telephone call was never returned.

Applicants assert that by mailing the Advisory Action more than five months after applicants' response to the Final Action was filed, the examiner made the above discussed rule (to make the Advisory Action mailing date the new reply date) meaningless and significantly hindered the applicants ability to fairly prosecute the application.

Therefore, applicants herein request that the application be revived and that the petition for unintentional abandonment revival fee be waived, or in the alternative, reduced to the fee associated with a petition for unavoidable abandonment revival.

PATENT

Navy Case No. 84,622
Application No. 09/864,373

Should further information regarding this matter be required, feel free to call the
undersigned at 401-832-6679.

Respectfully submitted,


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Attorney for Applicants

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